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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,782	08/27/2001	Jason D. Alie	18360/218130	2833
826	7590	01/20/2004	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			POND, ROBERT M	
		ART UNIT	PAPER NUMBER	
		3625		

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/939,782	ALIE ET AL.
	Examiner Robert M. Pond	Art Unit 3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-9,11-21,24,25,28,29 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5-9,11-21,24,25,28,29 and 31-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 August 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

The Applicant filed a Request for Continued Examination under 37 CFR 1.114. The Applicant amended Claims 1, 3, 5, 9, 11, 21, 25, 28-29, 32, and 35-37, and canceled Claims 4, 10, 22-23, 26-27, and 30. All pending claims (1-3, 5-9, 11-21, 24-25, 28-29, and 31-37) were examined in this non-final Office Action.

Response to Arguments

Applicant's arguments, see Remarks, pages 15-22, filed 09 December 2003, with respect to the rejection(s) of claim(s) 1, 21, 25, and 35-37 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tozzoli et al., BWire1, Platt, PRN, and BWire2. BWire1 associates the trade name "TradeCard." as the system and method of the Tozzoli et al. patent. Platt teaches TradeCard competing in the trade finance arena with third-party logistics firms, one of which is UPS Capital. PRN teaches UPS Capital combining its financial services with its parent company's, UPS, logistic services and triggering payment to the biller upon proof of goods delivery. The examiner's citing of Official Notice was withdrawn in favor of prior art Bwire2 teaching TradeCard implementing international trade commerce over the Internet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-3, 5-9, 11-17, 21, 24-25, 28-29, 31-33, and 36-37 are rejected under 35 USC 103(a) as being unpatentable over Tozzoli et al. (Paper #7, patent number 5,717,989), in view of Business Wire (PTO-892, Item: U, hereinafter referred to as “BWire1”), further in view of Platt (PTO-892, Item: V), further in view of PR Newswire (PTO-892, Items: W, hereinafter referred to as ‘PRN’).**

Tozzoli et al. teach an international delivery service system and method capable of delivering a buyer's purchased goods from a first location to an intermediate location, a payment system capable of receiving funds from a purchaser's funds account and transmitting payment verification information, and an information system configured to receive buyer, seller, and delivery service instructions (please see at least abstract; Figs. 1-4; col. 1, line 5 through col. 4, line 32). Tozzoli et al. teach:

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- an international trade system comprising independent participants comprising buyers, sellers, banks, carriers, buyers' brokers, insurers, and freight forwarders (please see at least Fig.4; col. 4, lines 50-55),
- independent buyers, sellers, freight carriers, and an issuing bank not associated with the paying bank (please see at least Fig 1; col.1, line 5 through col. 2, line 67),
- shipper, via a carrier, deliver goods to the buyer's location (col. 1, lines 48-51; col. 2, lines 46-51),
- releasing authorized goods to a buyer (see at least Fig. 3c (920, 930); col. 17, lines 1-7),
- notifying a carrier to hold a shipment (see at least col. 17, lines 33-36),
- providing delivery verification (see at least col. 17, lines 9-15),
- currency conversion, value-of-goods information, and a transaction reference number for each purchase order (see at least col. 10, lines 43-65; col. 11, line 29),
- implementing a letter of credit throughout the system and transferring purchased goods to a carrier for delivery based on the guarantee Letter of Credit, also support payment to the seller at time of shipment (cash on delivery) (please see at least col. 9, lines 31-49).

Tozzoli et al. teach all the above as noted under the 103(a) rejection but do not disclose the trade name of the invention of Tozzoli et al. BWire1 teaches the corporate profile of TradeCard, Inc., and an international trade finance system

and method, and further teaches the World Trade Centers Association conceiving TradeCard in 1994, formally establishing TradeCard in 1997, and receiving US Patent 5,717,989 in 1998 (Item: U, pages 1-3). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to associate the international trade finance system and method of US Patent #5,717,989 with the trade name TradeCard as taught by BWire1, in order to associate TradeCard with Tozzoli et al.

Tozzoli et al. and BWire1 teach all the above as noted under the 103(a) rejection and teach: banks as risk intermediaries, importers, exporters, and freight forwarders participating in international trade and linked electronically for online commerce; one of the difficulties in international trade is assuring payment; small or medium sized businesses being concerned in obtaining payment should a problem arise; an objective to reduce the expenses and delays associated with financing trade (Tozzoli et al: see at least col. 1, lines 5-17; col. 3, line 30-38); and further teach World Trade Centers Association conceiving TradeCard (Item: U, page 2). Tozzoli et al. and BWire1, however, do not disclose other initiatives being developed to solve same or similar business problems associated with international trade. Platt teaches logistics firms expanding into trade finance in an effort to offer a greater range of services to their customers because the "bundling of financial and logistics services makes sense." Platt teaches third-party logistics companies (3PLs), and freight forwarders as already having all the trade documents in its possession. A firm can inspect the

shipment, insure the cargo and physically manage the collateral, making trade finance a relatively risk-free endeavor. Platt teaches:

- Danzas offering a similar service for importers in association with Heller Financial Inc. in Chicago; Danzas advancing funds to a foreign supplier and assuming responsibility for pick-up and goods inspection; Eliminating the need for a letter of credit; and Danzas' product being rolled out on a global basis,
- MSAS Global Logistics launching a program, known as Trade-1, comprising a blend of physical logistics, insurance and finance; allowing companies to delay taking possession and paying for the goods until they need them for manufacture or sale,
- Fritz Cos. and Circle International, two San Francisco-based customs brokers and freight forwarders, offering inventory financing and trade finance services,
- Banks moving to defend their turf; Larger banks developing their own electronic platforms with the ability to manage cash and facilitate transactions on a global basis,
- Banks investing in their own systems competing with other banks able to use Bolero.net, a joint venture between the international banking and logistics communities launched in September (1999),
- Bolero.net providing a secure, guaranteed service for the exchange of electronic trade documents; being designed to become a globally

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accepted standard; Bolero.net promoting itself as a trusted third party to international transactions; and having a major entree into the banking community, since one of its founders is Swift, the Society for Worldwide Interbank Financial Telecommunication, and

- TradeCard, Bolero.net, extranets, and industry-specific portals being used by companies to facilitate international supply chain management.

Platt teaches TradeCard, vying to become an industry standard, which is electronically automating all the documents required in a global trade transaction and then settling payment upon compliance, and further teaches UPS Capital, a unit of United Parcel Service (UPS), offering financial services. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify Tozzoli et al. and BWire1 to disclose TradeCard competing in the international trade arena with third-party logistics firms as taught by Platt, in order to better understand the competitive environment in which TradeCard competes, and thereby help international trade finance participants make better decisions regarding use of trade finance products.

Tozzoli et al., BWire1, and Platt teach all the above as noted under the 103(a) rejection and teach TradeCard competing in the same international trade finance arena with UPS Capital, a unit of United Parcel Service (UPS), and other third-party logistics firms, and further teach assuring exporters of payment at the time of shipment instead of waiting for the importer to receive and inspect the goods,

but do not disclose bill payment upon proof of delivery of goods. PRN teaches UPS Capital reversing the conventional electronic bill presentment and payment (EBPP) model that focuses only on the biller by developing a product that focuses equally on billers and payers, combining UPS Capital's EBPP system with UPS' logistics businesses as the next logical step, and UPS Capital's EBPP model focusing on the biller and payer equally with the "key to triggering bill payment is proof that the goods arrived." (Item: W, see at least pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify Tozzoli et al., BWire1, and Platt to include bill payment upon proof of delivery as taught by PRN, in order to more fully disclose other bill payment trigger mechanisms, and thereby attract buyers desiring to authorize payment based on proof of delivery.

- 2. Claims 18-20, and 34 are rejected under 35 USC 103(a) as being unpatentable over Tozzoli et al. (Paper #7, patent number 5,717,989), BWire1, (PTO-892, Item: U), Platt (PTO-892, Item: V), and PRN (PTO-892, Item: W), as applied to Claims 15 and 33, further in view of Business Wire (PTO-892, Item: X, hereinafter referred to as "BWire2").**

Tozzoli et al., BWire1, Platt, and PRN teach all the above as noted under the 103(a) rejection and further teach the use of securing industry networks, gateways, and competing in the trade finance arena with organizations using the Internet, but do not specifically disclose TradeCard using the Internet. BWire2

teaches TradeCard and Tradeeeasy equipping importers and exporters with the tools to conduct and settle international trade transactions securely over the Internet. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Tozzoli et al., BWire1, Platt, and PRN to conduct international trade over the Internet as taught by BWire2, in order to more fully realize the potential of the global full service trade system, and thereby attract global customers to the trade finance site.

3. Claim 35 is rejected under 35 USC 103(a) as being unpatentable over Tozzoli et al. (Paper #7, patent number 5,717,989), BWire1, (PTO-892, Item: U), Platt (PTO-892, Item: V), and PRN (PTO-892, Item: W), further in view of Bacheldor (PTO-892, Item: UU).

Tozzoli et al., BWire1, Platt, and PRN teach all the above as noted under the 103(a) rejection and teach UPS Capital's EBPP system, but do not disclose the system configured to instruct the delivery service system to deliver the package during a non-guaranteed payment delivery state. Bacheldor teaches bill payment systems featuring UPS Capital's solution to streamline payment between buyers and sellers in the e-marketplace. Bacheldor teaches buyers and sellers who haven't done business with each other before using an escrow service that holds the payment until the goods are delivered. Bacheldor further teaches UPS Capital assuming the risk from the time goods are delivered until the buyer pays the bill, paying the seller the price of the goods for a fee, and then collecting

payment from the buyer within 30 days. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Tozzoli et al., BWire1, Platt, and PRN to deliver the goods to the buyer during a non-guaranteed payment delivery state as taught by Bachelder, in order to streamline the payment process in e-marketplace transactions, and thereby attract more participants to the trade finance service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Vincent Millin** can be reached on 703-308-1065.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

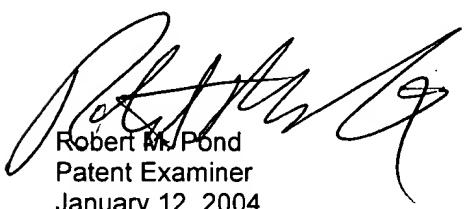
Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



Robert M. Pond
Patent Examiner
January 12, 2004